

I wish to express our organization's firm and formal opposition to any effort at Extending the Stay of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 as adopted by the Report and Order, June 26, 2003 and specifically as pertains to unsolicited facsimile advertisements.

The Report and Order adopted on June 26, 2003 and released July 3, 2003 is well crafted, balanced and reasonable. It effectively removes some of the perceived exemptions that have confused some businesses on what is allowable with regard to an otherwise unsolicited advertisement sent by fax. Sufficient time was extended for the preparations needed to prepare for the changes mandated by the Report and Order.

Now, massive efforts are underway to "extend the stay" in an effort to make a legislative "end-run" around the new rules and regulations.

I work for a small independent Consumer Advocacy firm that represents hundreds of businesses (both small and large) as well as individuals. One of the areas that has grown and taken center stage in our efforts is that of working to stem the tide of unwanted, unsolicited, unlawful faxes tying up our fax machines, consuming not only paper and toner, but time and manpower resources as well.

I believe an independent analysis will disclose that the vast majority of the actual constituencies allegedly represented as signing on to the Petitions currently before the Commission in this matter – do NOT want what is being requested. When I talk to companies and individuals who are presently receiving junk faxes, I have found no one who wishes to have the potential exposure to more junk faxes that a strengthening of the so-called "established business exemption" would enable.

The proponents of these petitions are also working very hard to sneak S2603 into law, which codifies in a most poorly written manner a new and never before accepted exemption to the prohibition against unsolicited advertising sent by facsimile. This new law is riddled with loopholes, which will make the prospect of eliminating junk faxes virtually unattainable.

The efforts being extended at requesting the Commission to extend the Rules adopted in the Report and Order of June 26, 2003 is a blatant attempt at sidestepping what court after court has clearly found to be the state of the law with regard to the so-called "established business exemption" as it pertains to unsolicited advertising and facsimile transmissions in particular.

The FCC is scheduled to implement rules that will solidly confirm Congressional intent and strip away some of the confusion lingering in the public eye over issues related to unsolicited advertising sent by facsimile. A great many people have eagerly awaited such implementation.

Everyone who owns a fax machine wishes to be able to use it for the purpose intended. That purpose is for business communication. Fax machines were never purchased for the

sole purpose of providing a medium for the advertising of strangers. Yet, the big push remains to allow independently owned fax machines to be used for unsolicited advertisements. Advertising costs are admittedly high and will likely rise in many mediums.

We, the unwilling, should never be forced to accept the shifting of other's advertising costs upon us without our individual EXPRESS INVITATION or PERMISSION to do so. It is simply unfair to think otherwise.

Proponents of the Petition for Extension of the Stay, would obfuscate the truth of the matter by painting scenarios where the normal course of business will be interrupted if the FCC implements its rules. Nothing could be further from the truth. The ban is not against faxing in general; it is specifically against unsolicited commercial advertising.

Being forced to accept advertising, even one piece, is tantamount to being forced to accept junk mail and having to pay postage due. Or being forced to listen to a sales pitch on the phone and then be required to have the calling charges reversed. You can't hang up on an unwanted fax transmission. You can't change the channel. These advertisers are trespassing and converting my property without my permission to advertise their goods and services at my cost. Implementing the Rules and Regulations adopted by the FCC will help to curtail this onerous practice.

Congress saw fit to establish the TCPA and the FCC has prescribed additional rules, regulations and other provisions to implement Congress's requirements. Please do not allow a vocal and well-funded attack undo what has taken nearly 13 years to accomplish.

The FCC is on-track with viable remedies to the complaints businesses have made to Congress and the Federal Communications Commission over the years concerning the interference to interstate commerce made by unsolicited advertisements sent by facsimile.

Please DO NOT extend the Stay. Please implement the Rules and Regulations as adopted at the earliest possible moment.

Thank you most sincerely.